

**Final Minutes
Delta Protection Commission Meeting
July 22, 1999**

1. Call to Order/Attendance.

The meeting was called to order at 6:35 p.m. Commissioners present were: Brean, Broddrick, Cabaldon, Calone, Curry, Chairman McCarty, McGowan, Matthews, Vice Chair Mello, Nottoli, Sanders, Thomson, and Yates. Commissioners absent were: Canciamilla, Coglianese, Ferreira, Harris, Salmon, and Simas.

2. Public Comments.

Jerry Robinson, South Delta Water Agency, said the South Delta Water Agency is concerned that CALFED is moving forward with decisions without local input. He described changes now proposed for a project to address South Delta water quality issues. He said concerns have been raised by other agricultural interests and is concerned that the goal of the CALFED process is to direct more water to cities, and to allocate water shortages amongst agricultural interests.

3. Minutes of the May 27, 1999 Meeting.

On a motion by Vice Chair Mello and a second by Commissioner Sanders, the draft minutes were approved; Commissioners Brean, Calone, and Yates abstained.

4. Chairman's Report.

Chairman McCarty announced that the U.S. Fish and Wildlife Service is not prepared to present a briefing on socio-economic issues; he reordered items on the agenda and announced the next meeting on Thursday September 23, 1999 at 6:30 p.m. Chairman McCarty also noted several barges with various materials have been moored in Fisherman's Cut in Contra Costa County and some of the vessels have been relocated from San Francisco Bay. He noted that the San Francisco Bay Conservation and Development Commission has been asked to refrain from sending vessels evicted from San Francisco Bay into the Delta.

5. Commissioner Comments/Announcements.

Vice Chair Mello said Tyler Island is proceeding with a dredging and levee repair project along the Mokelumne River. However, due to the listing of the Steelhead, there will be a delay and the project cannot take place before next construction year. Commissioner Broddrick said the Steelhead had been listed for over two years and should not result in a delayed Delta project.

6. Attorney General's Report.

The Attorney General was unable to attend; there was no report.

7. Executive Director's Report.

Executive Director Aramburu noted the materials mailed to the Commission including the memo regarding the Farm and Ranch Solid Waste Cleanup Program, and the handouts at the meeting including the updated Legislation memo and revised comment letter to CALFED. She reviewed activities since the last meeting including: attend agricultural easement workshop at the Great Valley Center Conference; the Delta Levees and Habitat Advisory Committee meetings; a tour of the State/Federal Flood Control Center; a 3-day tour of the bay and Delta sponsored by the Water Education Foundation; and meetings on the Bradford Island/Fisherman's Cut issues. She noted CALFED did not fund Phase II of the In-Channel Island pilot project and the contract with Teale has been refined and signed. She reviewed the on-going CALFED programs: North Delta Flooding; South Delta; Ad Hoc Recreation Group; Ecosystem Roundtable and Governance. Ms Aramburu noted there have been concerns raised by farmers in the Delta about gas pipelines under land that is subsiding and the need to protect public safety. She will prepare a letter to the State PUC that outlines the issues in the Delta region. She also noted that Ducks Unlimited has recently published two new pamphlets on Wood Duck habitat and easement programs.

Vice Chair Mello said some gas pipelines in the Delta are 60 years old and new pipelines are currently being proposed. He said the concerns of the farmers are not being addressed. Commissioner Matthews asked how deep the pipelines were located originally; no one had that information. Chairman McCarty added there is a problem because the water table is shallow under the Delta and pipelines cannot be located too deep or they will float upward. Commissioner Sanders said the State Lands Commission has an interest in gas projects and to keep him informed.

8. Pending Projects Memo, Pending Category III Projects Memo, Legislative Update Memo.

9. Briefing on CALFED Category III Grant Applications.

Ms Aramburu noted that Lori Clamurro prepared two supplemental memos. She mentioned that SB 750 was approved by the Assembly Committee on Local Government and was sent on to the Assembly Appropriations Committee.

Vice Chair Mello said a lot of acquisition in the Yolo Bypass has been funded by CALFED and asked if the Bypass will continue as a floodway. Commissioner Broddrick said the Reclamation Board will ensure that the floodway capacity will be maintained.

Chairman McCarty said that at the BDAC meeting in San Diego there were many questions about the projects that have been selected for funding through the Category III program, the role the grants have in carrying out the goals of the CALFED program and how the projects are evaluated and selected for funding.

10. Briefing on Proposed Environmental Document, Including Detailed Socio-Economic Analysis, of the Proposed U.S. Fish and Wildlife Service North Delta National Wildlife Refuge.

Ms Aramburu noted that the Commission had received copies of two letters: one from the Yolo County Farm Bureau and one from George Bayse.

John Castellano, U.S. Fish and Wildlife Service, said the preparation of the environmental document has been delayed due to questions about the socio-economic impacts and hydrology. He said the environmental document is due to be released on September 1. He said the dates of the public hearings have been moved to Vacaville on September 15, and Woodland on September 22. He introduced Tom Harvey and Howard Stark from the Service.

Vice Chair Mello said he thought the socio-economic information in the four-page summary mailed to the Commission is incorrect; Mr. Castellano said that information would be changed. Vice Chair Mello also commented that flooded agricultural fields used for growing small grains have three times the foraging/nutrition value than tidal marsh for migratory waterfowl and raptors; Tom Harvey said agricultural land will provide high value habitat for wildlife and the Service will review appropriate land use parcel by parcel and would consider cooperative agreements and economic incentives for agricultural parcels. He said the Yolo Bypass lands are and will continue to be subject to flood flows.

Commissioner Sanders asked if a full environmental document or a FONSI will be prepared for the refuge project; Mr. Castellano said the draft environmental assessment will describe the four project alternatives and the no project alternative. Selection of a preferred alternative will wait until public input has been received. The review period for the environmental assessment will be as short as possible to allow a quick response and to meet timelines associated with the federal fiscal year.

Commissioner McGowan asked what is the role of local government in resolving conflicts between the local general plan goals and the goals of the refuge; Mr. Castellano said the Service staff is meeting with the Counties' planning staffs and with the Boards of Supervisors and listening to their concerns. He said the proposed project will attempt to minimize impacts to prime farmland by keeping land in private ownership and negotiating management agreements.

Mr. Harvey said not all the lands in the Bypass are prime farmlands, and added that the southern lands will be restored to tidal wetland habitat, but alternatives can be evaluated in the north. He said that rumors that all the lands in the study area would be acquired by the Service and retired from agriculture are wrong; lots of the land could be kept in agriculture. He said the Service has similar economic benefits to the local economy when buying equipment, maintaining ditches, applying herbicides, etc. He added that lands in the boundary of the refuge could be used to carry out the Yolo County Habitat Conservation Plan.

Commissioner McGowan asked if the environmental assessment will evaluate the impact on the Swainsons Hawk; Mr. Harvey said there will be impacts and there could be enhancements offsite to offset the impacts.

Commissioner McGowan asked how much lost revenue would be restored to local government; Howard Stark reviewed the process for determining fees to offset losses to local government and the need for Congress to authorize those payments. He said there would be a nominal fiscal impact and more details would be included in the environmental analysis.

Vice Chair Mello commented that impacts from creation of habitat areas could affect nearby lands, not just adjacent lands; Mr. Harvey said there are precedents to ensure that nearby landowners will not be adversely impacted by a refuge. An example is geese damaging crops; the farmers were compensated. He added that if fish screens need to be added to agricultural intakes due to the refuge, there are funding programs to help offset the costs of those screens. Mr. Harvey said the refuge could include internal buffers to address seepage and restrictions on the use of agricultural processes.

Commissioner Calone agreed with Vice Chair Mello's comments about direct and indirect impacts to neighboring landowners; Mr. Harvey said the study area for the refuge is the Yolo Bypass where flooding is a way of life. He said the refuge lands are surrounded by large bodies of water or upland areas.

Commissioner Yates asked about the analysis of the loss of agricultural land which is required by federal and state law; Mr. Castellano said that analysis is required only when land is being evaluated for acquisition and is not required at this stage of planning for a refuge.

Commissioner Curry asked about possibilities for recreation and boating in the new refuge; Mr. Harvey said all activities on the existing waterways would continue, and each property which becomes part of the refuge will be evaluated as it is acquired. He said a subsequent environmental document will be prepared for management of the refuge. Because a refuge is wildlife-oriented, hunting, fishing, and wildlife observation may be accommodated while water-skiing and jet skiing may not. He said there may need to be seasonal controls on access due to flooding as well as wildlife needs. Commissioner Curry said the Department

of Boating and Waterways is interested in non-powered boating access, such as the boating trails program.

Commissioner Calone expressed support for continued access for floating duck blinds; Mr. Harvey said access would be limited only if there is a proven conflict.

Mr. Castellano said the Service staff could return on September 23 to present the promised briefing on the socio-economic impacts.

Summarizing for the Commission, Chairman McCarty said:

- 1) The Service should ensure there is adequate time provided for review and comment on the draft environmental assessment.
- 2) The Commission is charged with oversight of agricultural, wildlife habitat and recreation and is concerned about impacts to agriculture in the Primary Zone of the Delta.
- 3) There should be local control incorporated into the refuge proposal, including cities, counties, reclamation districts, and neighboring landowners.
- 4) Wildlife habitat must be in balance with other uses.
- 5) Recreation should be included in the refuge design and management.

Chairman noted this is a very extensive project with the study area covering about 10% of the Primary Zone of the Delta.

11. Briefing on the Prospect Island Restoration Project.

Lena Hsia, Corps of Engineers, reviewed the several alternatives under consideration for restoration of Prospect Island to tidal wetland habitat. The Corps will be selecting Alternative 5. Ms Hsia also reviewed the funding for the project. She continued her presentation using overhead projections. She noted the levees have been repaired and the last water was pumped from the island interior on July 7. She said the construction will be in two phases with the construction to start in November. The interior levees will be graded to a gentle slope of 10 to 1.

Commissioner Calone asked if the levees will have to be strengthened to withstand wind driven waves; Ms Hsia said the Corps will maintain the levees for 50 years.

Commissioner Yates asked about the LESA evaluation of the project and noted that the evaluation had exceeded the threshold which requires evaluation; Katie Wadsworth, Department of Water Resources, said there are extenuating circumstances for this site which are described and addressed in the final environmental document. Commissioner Yates asked about the economics of the project; Ms Hsia said the cost of the project will offset the long-term costs of

maintaining the ship channel levee. Commissioner Yates asked who maintains the levee along the ship channel; Ms Hsia said the Corps maintains the channel.

Commissioner Broddrick said the operation and management of the wetland project will be funded through an endowment and will not be funded by CALFED.

Chairman McCarty asked for public comments.

Jerry Robinson, South Delta Water Agency, commented that seepage is often a problem when adjacent lands are flooded. An example which has been studied is the proposed Delta Wetlands project on four islands in the Central and South Delta.

Chris Neudeck, KSN, said Ryer Island continues to have concerns about seepage from the proposed flooding of Prospect Island. Mr. Neudeck said Ryer Island landowners have added new monitoring wells that are providing new documentation about seepage on Ryer Island.

Chairman McCarty said historically agricultural lands has been lost due to urbanization, however, now agricultural land is being lost to habitat projects. He suggested agricultural land needs to be valued as a natural resource. He said the agricultural values on Prospect Island have diminished due to continued flooding, but eventually there will be a need to mitigate for the cumulative impacts of changing agricultural lands to habitat.

12. Consideration of Comments on the Revised Draft Programmatic Environmental Impacts Report for the CALFED Program.

Commissioner Yates asked if the acreage proposed for water storage in the Delta (20,000 acres) is correct, or is the proposed acreage 200,000 acres; Ms Aramburu said the 20,000 figure is from the environmental document. He said it's important to link agricultural land and water together as necessary elements to continue agriculture. On page 6, regarding water use, Commissioner Yates asked the source of the water.

There was much discussion of the need for additional time for consideration of the draft comments and material on the Revised Draft environmental document. On a motion by Commissioner Brean, and a second by Commissioner Nottoli, the Commission unanimously voted to meet on Thursday, August 26, 1999 to consider draft comments on the revised CALFED environmental document.

13. Briefing on Strategic Planning Process.

Commissioner McGowan reviewed the process to date regarding the development of a strategic plan and urged the Commission to move forward with the planning program. He said it is important for the Commission to refine its mission now that the Commission's sunset date has been extended to January 1, 2010.

14. Adjournment.

The meeting was adjourned at 8:45 p.m.